

# Court of Appeals, State of Michigan

## ORDER

People of MI v Shain A Zube

Docket No. 279563

LC No. 07-002327-FH

Michael R. Smolenski  
Presiding Judge

Richard A. Bandstra

Jane E. Markey  
Judges

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Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES that portion of the May 21, 2007 judgment of sentence that directs defendant to pay for his court-appointed attorney, and REMANDS this matter to the sentencing court to consider its order directing defendant to reimburse the cost of his court-appointed attorney in light of defendant's current and future financial circumstances and ability to pay. *People v Dunbar*, 264 Mich App 240, 251-256; 690 NW2d 476 (2004). At the court's discretion, the decision may be based on the record without need for a formal evidentiary hearing. If the court decides to order the defendant to pay attorney fees, it shall do so in a separate order, and not the judgment of sentence. *Id.* at 256; *People v Nowicki*, 213 Mich App 383, 386-388; 539 NW2d 590 (1995). This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 23 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk